

ORDINANCE NO. A03-1

AN ORDINANCE TO AMEND CHAPTER 234 OF THE CODE
OF THE TOWN OF BRIDGEVILLE, RELATING TO ZONING
BY ADDING A SECTION WHICH SHALL BE KNOWN AS
"ARTICLE XV, AGRICULTURAL INDUSTRIAL OVERLAY ZONE"

WHEREAS, the Commissioners of Bridgeville are desirous of ensuring that agricultural lands within the Town of Bridgeville and adjacent to the Town in the possible growth areas are protected from surrounding urban development at and are encouraged to continue as agricultural use; and

WHEREAS, the Commissioners of Bridgeville are desirous of providing for an agricultural industrial overlay zone to provide for the orderly and balanced development of agricultural and agriculturally oriented industrial uses that support the existing and future agricultural activity in the Town of Bridgeville; and

WHEREAS, the Commissioners of Bridgeville are desires us of preserving and enhancing the use of prime, productive and unique farmlands adjacent to the Town by establishing and allowing for the necessary support facilities for agricultural uses; and

WHEREAS, the Commissioners of Bridgeville are of the opinion that it promotes the health, safety, morals, beauty and good appearance of the Town and provide for the orderly growth and future annexations to the boundaries of Bridgeville to provide for

agriculturally oriented industrial activities within the possible growth areas provided for in the comprehensive plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF BRIDGEVILLE OF THE TOWN OF BRIDGEVILLE;

Section 234-1. Purpose. The purpose of this article is to provide for the orderly and balanced development of agriculturally oriented industrial uses that support existing and future agricultural activity. Further, this article provides a broad spectrum of agricultural uses that contribute to the maintenance of agriculture as a major industry of Bridgeville.

Section 234-2. Delineation of the Zoning District. The Agricultural Industrial Overlay Zone (AIOZ) shall include all lands annexed into the Town consisting of twenty (20) acres or more dedicated primarily to agricultural activities at the time of its annexation.

Section 234-3. Permitted Uses Enumerated.

- (a) Any use permitted in the underlying zone;
- (b) Cultivation for sale of agricultural products grown to provide food, forage or fibers;
- (c) Orchards;
- (d) Beekeeping;
- (e) Small on-farm commercial or industrial operations normally associated with and important to farming;

- (f) Mechanical repair facilities for agricultural equipment;
- (g) Sale of seed, fertilizer, tool, tractors and normal farm equipment;
- (h) Storage use of existing farm buildings;
- (i) Small commercial use of existing farm buildings for trades not disruptive to the integrity of the agricultural character of the area such as carpentry shop, small scale mechanical shop and similar activities that a farm operator might conduct;
- (j) Sale of agricultural products grown, raised or produced on the premises;
- (k) Roadside stands for the sale of agricultural products, provided adequate off street parking shall be provided for all employees and customers;
- (l) Packing or processing of agricultural crops, animals, and their by-products which entails more than picking, cutting, sorting and boxing or crating, but does not include rendering, tanning or reduction of meat;
- (m) Storage and drying of crops in grain elevators or similar facilities;
- (n) Horticultural and floricultural activities such as flowers, shrubs, and trees intended for ornamental or landscaping purposes, including wholesale or retail nurseries limited to the sale of products grown on site and in green houses on site.

Section 234-4 Special regulations.

- (a) All manufacturing and fabrication operations shall be conducted within structures. All equipment and material storage areas shall be screened by solid walls, fences, or by adequate plantings of not less than six feet in height.
- (b) Agricultural activities and agriculturally oriented industrial activities shall be conducted consistently with generally accepted agricultural and best management practice and shall not be restricted in terms of time of day or days of the week.
- (c) The Commissioners may impose such additional conditions of approval as it deems necessary to provide for the public health, safety, morals and general welfare of Bridgeville.

Section 234-5. Minimum buffer and setback requirements.

A. Height area and bulk requirements.

- (1) Minimum lot sizes. Minimum lot size shall be as follows:

| Use | Area (acres) | Width (feet) | Depth (feet) |
|----------|-----------------|-----------------|-----------------|
| All uses | 20 | 250 | 250 |

- (2) Minimum yard requirements. Minimum yard requirements shall be as follows:

| Use | Depth of Front yard (feet) | Width of Side yard (feet) | Depth of Rear yard (feet) |
|----------|----------------------------------|---------------------------------|---------------------------------|
| All uses | 60 | 20 | 30 |

- (3) Maximum height requirements. Maximum height shall be set by the Commission during site plan review.

- (4) Buffer requirements. A 200' buffer between any road right of way line or adjacent property line shall be required. Within the buffer, the following uses shall be permitted:

- a. Driveway access
- b. Utilities.
- c. Pedestrian and bike paths.
- d. Lighting fixtures.
- e. Signs.
- f. Cultivation of crops.

Section 234-7. Site Plan Review.

The uses set forth in this section shall be subject to site plan review.

Section 234-9. Agricultural use protections.

Normal agricultural uses and activities conducted in a lawful manner are preferred. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure, and other odors, the use of agricultural chemicals and nighttime farm operations, land uses adjacent to land used primarily for agricultural purposes shall be subject to the following restrictions:

- (1) For any new subdivision development located in whole or in part within three hundred (300) feet of the boundary of land used primarily for agricultural purposes, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice: "The property is located in the vicinity of land used primarily for agricultural purposes on which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of

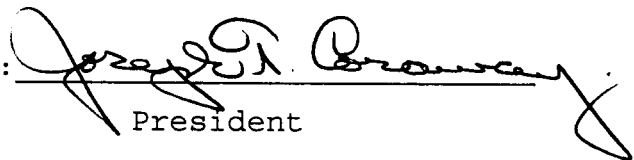
any annoyance or inconvenience which may result from such normal agricultural uses and activities."

- (2) For any new subdivision development located in whole or in part within fifty (50) feet of the boundary of land used primarily for agricultural purposes, no improvement requiring an occupancy approval for a residential type use shall be constructed within fifty (50) feet of the boundary of land used primarily for agricultural purposes.

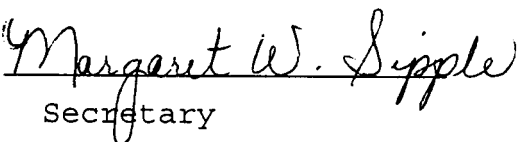
Section 234-8 Effective Date. This ordinance shall become effective upon its adoption by a majority of all members elected to the Commissioner present and voting.

COMMISSIONERS OF BRIDGEVILLE

By:


President

Attest:


Secretary

Adopted: Feb. 10, 2003